

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA, SOUTHERN DIVISION**

**ASD SPECIALTY HEALTHCARE, INC., d/b/a  
ONCOLOGY SUPPLY COMPANY  
2801 Horace Shepard Drive,  
Dothan, Alabama 36303,**

**Plaintiff,**

**vs.**

**ROBERT G. HICKES, M.D.,  
1301 Trumansburg Road, Suite Q  
Ithaca, New York 14850,**

**Defendant.**

**CV ACTION NO.:  
1:05CV592-T**

**NOTICE OF FILING OF AFFIDAVIT**

COMES now Defendant Robert G. Hickes, M.D., and hereby provides  
notice of filing of the attached affidavit as follows:

1. Affidavit of Robert G. Hickes, M.D.

\s\ C. Ellis Brazeal III  
Attorney for Defendant, Robert G.  
Hickes, M.D., P.C.

**OF COUNSEL:**

Walston, Wells, & Birchall LLP  
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**CERTIFICATE OF SERVICE**

I do hereby certify that a true and correct copy of the Notice of Filing of Affidavit has been severed electronically to the following said individuals and/or by placing same in the U.S. First Class Mail, as follows:

Heath A. Fite  
BURR & FORMAN LLP  
3100 SouthTrust Tower  
420 North 20<sup>th</sup> Street  
Birmingham, Alabama 35203

This the 24<sup>th</sup> day of April, 2006.

/s/ C. Ellis Brazeal III  
OF COUNSEL